

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

6/29/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 01-00327SOM
CASE NAME: USA vs. Kelemete Usuvale
ATTYS FOR PLA: Susan Cushman
Derek Kim (USPO)
ATTYS FOR DEFT: Pamela Byrne
INTERPRETER:

JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 6/29/2006

TIME: 9:50 - 10:20

COURT ACTION: EP: Order to Show Cause Why Supervised Release Should Not Be Revoked -

Defendant Kelemete Usuvale present and in custody.

Defendant admits to violation nos. 1 - 4, and does not admit to violation no. 5.

Parties in agreement that the Court can proceed as to violation nos. 1 - 4 only.

Court finds that there is sufficient evidence to support violation nos. 1 - 4, and makes no finding as to violation no. 5, and the defendant has not met the conditions of supervised release.

Supervised Release is revoked.

ADJUDGED:

Imprisonment: 18 Months.

Supervised Release: 39 Months.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
 - ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
 - ▶ That the defendant not possess illegal controlled substances (mandatory condition)
 - ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter. The defendant to submit up to a maximum of one valid drug test per day as directed by the Probation Office.
 - ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
 - ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
 - ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
 - ▶ Without the prior approval of the Probation Office, the defendant shall not enter the "Operation Weed and Seed" target area which is bordered by Lunalilo Freeway, Nuuanu Avenue, Bethel Street, Nimitz Highway, North King Street, Dillingham Boulevard, and Kokea Street, as depicted in the map to be attached to the Judgment.
- > Other than his reported residence, the defendant shall notify the Probation Officer 3 hours prior to the end of the close of business, the name, address and telephone number of any other residence or lodging he intends to stay overnight.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Defendant advised of his right to appeal

JUDICIAL RECOMMENDATION: FDC Honolulu.

Defendant remanded to the custody of the USM.

Mittimus forthwith.

Submitted by: Toni Fujinaga, Courtroom Manager.